

# In the Supreme Court of the State of Alaska

**John N. Hunter,**

Petitioner,

v.

**State of Alaska,**

Respondent.

Supreme Court No. **S-16753**

## **Order**

Termination of Stay

Date of Order: **September 2, 2021**

Court of Appeals Case No. **A-12203**

Trial Court Case No. **3AN-08-12424CI**

In mid-June 2017 the Alaska Court of Appeals issued a Memorandum Opinion resolving John Nelson Hunter’s appeal from the superior court’s order(s) denying Hunter’s petition for post-conviction relief (based on ineffective assistance of counsel claims). The court of appeals affirmed the superior court’s post-evidentiary-hearing ruling dismissing Hunter’s claim that there had been an inappropriate conflict of interest by his trial counsel, but reversed the superior court’s pleadings-based dismissal of Hunter’s claim that his trial counsel provided ineffective assistance of counsel with regard to advising Hunter about whether to accept an alleged plea offer from the State, thus remanding that claim for further proceedings. The court of appeals also noted that — to the extent Hunter might have been asserting a claim that, even if the State had not presented a plea offer, his trial counsel provided ineffective assistance of counsel by failing to actively engage with the State in plea-bargaining discussions — the superior court correctly dismissed the plea-bargain claim on the pleadings.

In mid-July 2017 Hunter filed a motion for a 60-day extension of time to petition for hearing from the court of appeals’ decision. The State did not oppose the motion, and by order dated July 26 the time for Hunter’s petition for hearing was extended to September 12. In late August Hunter filed a motion to stay the petition for

hearing proceeding pending the superior court's decision on the ineffective assistance of counsel claim remanded for further proceedings. Hunter argued that if he prevailed on the claim remanded for further proceedings, his current petition for hearing would be moot. The State did not oppose the motion, and by order dated September 12 a stay was issued with a requirement that Hunter file a status report in 90 days.

Now, over four years after the stay was ordered, according to CourtView and the many subsequent status reports filed by Hunter (including the latest filed on August 30, 2021), it appears that little has occurred in the remanded superior court proceedings and that there is no reason to anticipate its resolution in the near future. There is little reason to continue the stay of the petition for hearing proceeding in this court when its primary effect is to cause Hunter's counsel to expend needless time and effort filing repeated status reports, cause appellate court staff to expend needless time and effort maintaining the file, obtaining judicial approval of status reports and further continuances of the stay, and issuing repeated orders, and cause an individual justice to expend needless time and effort reviewing the file each time a status report is filed and a stay continuation order is considered. And Hunter's putative petition for hearing about whether the court of appeals erred by affirming the superior court's dismissal of a portion of his ineffective assistance of counsel claims does nothing but grow more stale.

Accordingly, **IT IS ORDERED** that the stay is **TERMINATED** and that Hunter has until **November 1, 2021**, 60 days from the date of this order, to file his petition for hearing regarding the court of appeals' affirmance of the superior court's dismissal of his two ineffective assistance of counsel claims for post-conviction relief.

Entered at the direction of an individual justice.

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